

Message Text

UNCLASSIFIED

PAGE 01 OTTAWA 03212 101642Z

61

ACTION EB-07

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 711

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E.O. 11652: N/A

TAGS: EAIR, CA

SUBJ: CIVAIR: NONSCHEDULED AIR SERVICES AGREEMENT

REF: TORONTO 1058, JULY 22

1. AIR TRANSPORT COMMITTEE HAS SENT EMBASSY DRAFT NOTE OUTLINING ATC'S UNDERTAKING WITH RESPECT TO FORECASTS AS SPECIFIED IN ANNEX C TO NONSCHEDULED BILATERAL. ATC STATES SUBSTANTIVE PART OF NOTE WAS AGREED AT JULY 20-21 CONSULTATIONS IN OTTAWA. ATC REQUESTS DRAFT OF U.S. REPLY.

2. TEXT OF DRAFT CANADIAN NOTE FOLLOWS:

"THE EMBASSY OF CANADA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND HAS THE HONOUR TO REFER TO THE DEPARTMENT'S NOTE NO. 135 OF JUNE 24, 1976, RELATING TO THE FORECASTS MADE AND ANNOUNCED UNDER ANNEX C TO THE NONSCHEDULED AIR SERVICE AGREEMENT OF MAY 8, 1974, BETWEEN CANADA AND THE UNITED STATES, AND TO THE CONSULTATION CONDUCTED IN OTTAWA ON JULY 21 AND 22, 1976 BETWEEN REPRESENTATIVES OF THE CANADIAN TRANSPORT COMMISSION AND ITS AIR TRANSPORT COMMITTEE, THE EXTERNAL AFFAIRS DEPARTMENT AND THE AIR TRANSPORT ASSOCIATION OF CANADA ON THE ONE

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 OTTAWA 03212 101642Z

HAND AND REPRESENTATIVES OF THE CIVIL AERONAUTICS

BOARD, THE UNITED STATES EMBASSY IN OTTAWA, THE NATIONAL AIR CARRIER ASSOCIATION AND THE AIR TRANSPORT ASSOCIATION ON THE OTHER, HELD PURSUANT TO THE PROVISIONS OF SECTION III(A) OF ANNEX C TO THE SAID AGREEMENT.

"THE EMBASSY OF CANADA WISHES TO CONFIRM TO THE DEPARTMENT OF STATES THAT AS AGREED IN THE COURSE OF THE CONSULTATIONS REFERRED TO ABOVE, THE AIR TRANSPORT COMMITTEE OF THE CANADIAN TRANSPORT COMMISSION WILL:

(1) DETERMINE THE NUMBER OF ONE WAY SEATS APPROVED FOR OPERATION BY CANADIAN AIR CARRIERS (FOR THE OPERATING YEAR IN PROGRESS) IN EACH OF THE SCHEDULES TO ANNEX C TO THE SAID AGREEMENT 15 DAYS PRIOR TO JUNE 30, SEPTEMBER 15 AND NOVEMBER 15 IN EACH OPERATING YEAR;

(2) COMPARE THE VOLUME OF APPROVALS DESCRIBED IN (1) TO THE FINAL FORECATS MADE FOR THAT OPERATING YEAR UNDER THE AGREEMENT;

(3) AUGMENT ANY FINAL FORECAST BY A PROPORTION NOT LESS THAN THE PERCENTAGE BY WHICH CANADIAN AIR CARRIERS, BY OBTAINING APPROVALS, EXCEEDED THE NUMBER OF ONE WAY SEATS ALLOTTED TO THEM ON THE BASIS OF THAT FINAL FORECAST; AND

(4) ANNOUNCED THE FORECAST(S) SO AUGMENTED TO THE CIVIL AERONAUTICS BOARD AND TO ALL AIR CARRIERS TO WHICH THE SCHEDULES APPLY, OR, WHERE THE PROCEDURE DESCRIBED ABOVE DOES NOT RESULT IN AN AMENDMENT TO THE APPLICABLE FORECAST, ANNOUNCE THIS FACT. IT IS UNDERSTOOD THAT IN NO CASE, HOWEVER, SHALL THE FINAL FORECAST(S) OR AMENDED FINAL FORECAST(S) BE REDUCED AS A RESULT OF THE ABOVE ADJUSTMENTS.

"SINCE ON OCCASION OF THE CONSULTATION REFERRED TO ABOVE THE ESTIMATED ACTUAL RESULTS OF THE OPERATING UNCLASSIFIED

UNCLASSIFIED

PAGE 03 OTTAWA 03212 101642Z

YEAR 1975/76 WERE ALSO CONSIDERED, AND DETERMINED TO BE LIKELY TO EXCEED 15 PERCENT IN AT LEAST TWO SCHEDULES, IT IS PROPOSED THE THE ABOVE DISCUSSIONS BE CONSIDERED AS INCLUDING THE CONSULTATIONS ANTICIPATED TO BE REQUIRED BY SECTION III(A) OF ANNEX C WHEN THE ACTUAL RESULTS OF THE OPERATING YEAR 1975/76 ARE KNOWN.

"THE EMBASSY WOULD APPRECIATE RECEIVING CONFIRMATION
FROM THE DEPARTMENT OF STATE THAT THE ARRANGEMENTS
SET FORTH IN THIS NOTE ARE ACCEPTABLE TO THE
GOVERNMENT OF THE UNITED STATES.

"THE EMBASSY OF CANADA AVAILS ITSELF OF THIS
OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE
THE ASSURANCES OF ITS HIGHEST CONSIDERATION."
LEARY

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NNN

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